

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 29th day of March, 2000.

Wendy A. Arthurs

**Practitioner's Docket No. 22311/04004**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Examiner: Richard Hutson
Gorski et al.	)	Art Unit: 1652
	)	
Serial No.: 09/078,465	)	
Filed: May 14, 1998	)	
	)	
Parent Serial No.: 08/203,532	)	
Parent Filed: February 24, 1994	)	
Patent No.: 5,856,121	)	
	)	
For: HOMEBOX GENE	)	

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

**Declaration By The Inventor Under 37 CFR §1.132**

I, Dr. Kenneth Walsh, state as follows:

1. I and Dr. David H. Gorski together are the inventors of the DNA molecules, RNA molecules, vectors, and transformed cells of the within application, and of the processes for preparing a protein using the transformed cells disclosed in the above-identified continuation patent application;
2. . I and Dr. David H. Gorski together are authors of the article entitled "Molecular Cloning of a Diverged Homeobox Gene that is Rapidly Down-Regulated during the G<sub>0</sub>/G<sub>1</sub> Transition in Vascular Smooth Muscle Cells," published in Molecular and Cellular Biology 13:3722-3733, June, 1993, by D.H. Gorski, D.F. LePage, C.V. Patel, N.G. Copeland, N.A. Jenkins, and K. Walsh (hereinafter the "Gorski et al. Article");


3. The other individuals listed as authors on the Gorski et al. article, David F. LePage, Chandrashekhar V. Patel, Neal G. Copeland, and Nancy A. Jenkins are not inventors of the DNA molecules, RNA molecules, vectors, transformed cells, of the within application or of the processes for preparing a protein using the transformed cells or of the chromosomal mapping claimed in the above-identified application.

4. David F. LePage was a technician who worked under the direction and supervision of Drs. Gorski and Walsh on the studies described in the Gorski et al. article;

5. Chandrashekhar V. Patel was a post-doctoral fellow who provided technical assistance in screening the rat cDNA library as described in the Gorski et al. article;

6. Neal G. Copeland and Nancy A. Jenkins were investigators at the National Institutes of Health who were involved in mapping the locus of the *Gax* gene as described in the Gorski et al. Article.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Kenneth Walsh

3/7/00

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Date